

1449 and copies of the two references cited in the Supplemental Information Disclosure Statement.

It is believed that no fees are required for these submissions. However, should the U.S. Patent and Trademark Office determine that any fee is due or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

REMARKS

This submission is in response to the Restriction Requirement dated March 20, 2003. Claims 33-35 and 44-48 are pending. Consideration of the above identified application, in view of the following remarks, is respectfully requested.

The Examiner has required a restriction of the pending claims to one of the following groups:

I. Claims 33-35, drawn to a bacterin comprising antigenic subunits derived from *B. Burgdorferi* isolates.

II. Claims 44-48, drawn to an antigen subunit vaccine of *B. burgdorferi*.

In order to be fully responsive to the Requirement for Restriction, Applicants hereby provisionally elect, with traverse, to prosecute claims 33-35 corresponding to Group I.

Serial No. 09/930,657
Response to Office Action dated March 20, 2003

Docket No. 0632/1G857-US2

Applicants respectfully traverse the Requirement for Restriction and reserve the right to petition therefrom under 37 C.F.R. § 1.144. Applicants respectfully request reconsideration of the Restriction Requirement to allow prosecution of Group II with elected Group I.

Groups I and II must be examined together because under Patent Office examining procedures, "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." See, M.P.E.P. § 803 (emphasis added). The groups of claims designated by the Examiner (*i.e.*, Groups I and II, *supra*) do define products with biological properties which are distinct but they do not warrant separate examination and searches. The claims represent a web of knowledge and continuity of effort that merits examination in a single application. A thorough search of the subject matter of claims 33-35 of Group I would necessarily include a search of the subject matter of the claims of Group II as they all involve the same antigen subunits from *Borrelia burgdorferi*. The conjoint examination and inclusion of all of the claims of Groups I and II in the instant application is therefore appropriate and would not present an undue burden on the Examiner.

Accordingly, Applicants respectfully request that the Examiner withdraw the Requirement for Restriction.

CONCLUSION

In view of the above remarks, it is respectfully requested that the application be considered on its merits and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

April 21, 2003

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul F. Fehlner", written over a horizontal line.

Paul F. Fehlner, Ph.D.

Reg. No. 35,135

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